

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JO ANNE GRAFF

SUMMONS IN A CIVIL CASE

CASE NUMBER:

**C07 03186**

RMW  
PVT

v.

WELTMAN, WEINBERG & REIS CO., L.P.A.

TO:

Weltman, Weinberg & Reis Co., L.P.A.  
c/o Alan Weinberg, Agent for Service  
323 West Lakeside Avenue, Suite 200  
Cleveland, Ohio 44113-1099

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY

Fred W. Schwinn, Esq.  
Consumer Law Center, Inc.  
12 South First Street, Suite 416  
San Jose, CA 95113-2404

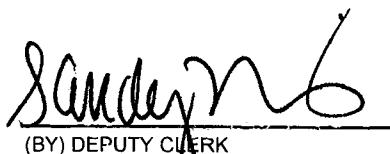
an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

RICHARD W. WIEKING

CLERK

6-18-07

DATE

  
(BY) DEPUTY CLERK

Sandy Morris

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Fred W. Schwinn (SBN 225575)</b> <b>Consumer Law Center, Inc.</b> <b>12 South First Street, Suite 1014</b> <b>San Jose, California 95113-2403</b> TELEPHONE NO.: (408) 294-6100 FAX NO. (Optional): (408) 294-6190 E-MAIL ADDRESS (Optional): fred.schwinn@sjconsumerlaw.com ATTORNEY FOR (Name): PLAINTIFF		FOR COURT USE ONLY          CASE NUMBER: <b>C07-03186-RMW-PVT</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: <b>UNITED STATES DISTRICT COURT FOR THE</b> MAILING ADDRESS: <b>NORTHERN DISTRICT OF CALIFORNIA</b> CITY AND ZIP CODE: <b>280 South First Street, Room 2112</b> BRANCH NAME: <b>San Jose, California 95113</b>		
PLAINTIFF/PETITIONER: <b>JO ANNE GRAFF</b>  DEFENDANT/RESPONDENT: <b>WELTMAN, WEINBERG &amp; REIS CO., L.P.A.</b>		
<b>PROOF OF SERVICE OF SUMMONS</b>		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☒ Alternative Dispute Resolution (ADR) package
  - d. ☐ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☒ other (specify documents): Order Setting Initial Case Management Conference; Standing Order Regarding Case Management in Civil Cases; Consent to Proceed Before a US Magistrate Judge; ECF Registration Information Handout
3.
  - a. Party served (specify name of party as shown on documents served):  
**WELTMAN, WEINBERG & REIS CO., L.P.A.**
  - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
**Alan Weinberg, Agent for Service**
4. Address where the party was served:  
**323 West Lakeside Avenue, Suite 200**  
**Cleveland, OH 44113-1099**
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
  - b. ☐ **by substituted service.** On (date): \_\_\_\_\_ at (time): \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): \_\_\_\_\_
  - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
  - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
  - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
  - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): \_\_\_\_\_ from (city): \_\_\_\_\_ or ☐ a declaration of mailing is attached.
  - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JO ANNE GRAFF

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DEFENDANT/RESPONDENT: WELTMAN, WEINBERG &amp; REIS CO., L.P.A.

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): June 26, 2007 (2) from (city): San Jose, California
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☒ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**

- a. Name: Fred W. Schwinn
- b. Address: 12 South First Street, Suite 1014, San Jose, CA 95113-2403
- c. Telephone number: (408) 294-6100
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: July 24, 2007

Fred W. Schwinn (SBN 225575)

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 2.50
Certified Fee	\$ 2.00
Return Receipt Fee (Endorsement Required)	\$ 0.50
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 5.00

Sent To  
 Alan Weinberg, agent / Weltman, Weinberg  
 Street Apt. No. or P.O. Box  
 323 W. Lakeside Ave., Ste. 200  
 City, State, ZIP+4  
 Cleveland, OH 44113-1099

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <b>WELTMAN, WEINBERG &amp; REIS CO. L.P.A.</b> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery  <b>JUN 2 2007</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes        If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  <b>Weltman, Weinberg, &amp; Reis          % Alan Weinberg, agent          for Service          323 West Lakeside Ave, Ste 200          Cleveland, OH 44113-1099</b></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)  <b>7005 3110 0000 4788 4848</b></p>	
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

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